

Fiscal Estimate - 2023 Session

Original Updated Corrected Supplemental

LRB Number **23-5030/1** Introduction Number **SB-0796**

Description
free feminine hygiene products for inmates of state correctional institutions or county jails or houses of correction

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
- Increase Existing Appropriations
- Decrease Existing Appropriations
- Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
- Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
- 1. Increase Costs 3. Increase Revenue
- Permissive Mandatory Permissive Mandatory
- 2. Decrease Costs 4. Decrease Revenue
- Permissive Mandatory Permissive Mandatory
- 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others 0
 - School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEGS

Affected Ch. 20 Appropriations

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Date

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Fiscal Estimate Narratives

DOC 1/25/2024

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Description free feminine hygiene products for inmates of state correctional institutions or county jails or houses of correction					

Assumptions Used in Arriving at Fiscal Estimate

STATE

This bill requires the Department of Corrections (DOC) to ensure that each state correctional institution has a commissary that provides all of the following feminine hygiene products free of charge to any person in our care (PIOC) with an active menstrual cycle: at least three brands of tampons, with at least one brand having a plastic applicator, in appropriate absorbencies for varying levels of menstrual flow; at least three brands of menstrual pads in appropriate absorbencies for varying levels of menstrual flow; and at least one brand of reusable menstrual cup. The department must also ensure that the state correctional institution has the means to sanitize PIOC menstrual cups on an as-needed basis.

The bill requires the sheriff to ensure that each county jail or house of correction has a commissary that provides all of the following feminine hygiene products free of charge to any PIOC with an active menstrual cycle: at least three brands of tampons, with at least one brand having a plastic applicator, in appropriate absorbencies for varying levels of menstrual flow; at least three brands of menstrual pads in appropriate absorbencies for varying levels of menstrual flow; and at least one brand of reusable menstrual cup. The sheriff must also ensure that the county jail or house of correction has the means to sanitize PIOC menstrual cups on an as-needed basis.

Currently, the Department provides PIOC in the Wisconsin Women's Correctional System a variety of menstrual pads and tampons with cardboard applicators. The Department has concerns about providing a hygiene product, such as a reusable menstrual cup, that collects a significant amount of blood in this manner. PIOC often throw or expel substances at staff and other PIOC during incarceration, such as blood, semen, vomit, saliva, urine, feces and other bodily substances. These incidents are referred to as "throwing" or "dashing" and considered assaultive behavior. In FY23, there were 181 incidents of throwing, and an additional 80 incidents of spitting towards our staff. Additionally, the most widely accepted manner of sterilizing a menstrual cup is to place in boiling water. Not all PIOC have readily available access to boiling water in their housing units, and thus proper sanitation may not be possible. Additional, undetermined resources may be needed if DOC was to implement menstrual cups to ensure they can be handled safely.

The Department does not currently operate "commissaries" in any of its institutions or centers. The provision of commissary items is contracted out to a vendor through which PIOC are allowed to order items from a DOC approved "master menu." Feminine hygiene products are offered on the menu of items, and PIOC can order additional maxi pads, tampons, or panty shields from what is given to them by DOC. The vendor provides a variety of items, and makes suggestions on which items to offer based on requests and sales history.

Should this bill be enacted and the Department is mandated to set up commissaries, it would necessitate additional steps. First, the DOC would have to renegotiate its current vendor contract to exclude the feminine hygiene items. Then the Department would have to initiate a new request for bid process and establish a new contract in order to stock the feminine hygiene items in bulk. Additionally, each institution would need to remodel or build space for the commissary and item storage and hire additional FTE to manage the commissaries. These costs are both indeterminate, as the Department cannot project how many new FTE or how much construction would be required to open commissaries at all facilities.

LOCAL

This bill requires sheriffs to ensure that each county jail or house of correction has a commissary that provides all of the following feminine hygiene products free of charge to any inmate with an active menstrual cycle: at least three brands of tampons, with at least one brand having a plastic applicator, in appropriate absorbencies for varying levels of menstrual flow; at least three brands of menstrual pads in appropriate absorbencies for varying levels of menstrual flow; and at least one brand of reusable menstrual cup. Sheriffs must also ensure that each county jail or house of correction has the means to sanitize inmate menstrual cups on an as-needed basis.

Most local detention facilities provide some feminine hygiene products for free: usually only a menstrual pad (sanitary napkin), though some also provide a tampon for free as well. Other county jails charge a small cost for these items. Since all county jails have commissaries/canteens, with services generally contracted out, the counties could negotiate with their contractors to provide different brands of the applicable items, as required under the bill. Between providing all of the feminine hygiene products specified by the bill, for free and in the quantities noted in the bill, and offering a variety of options for certain items (tampons and menstrual pads), this bill would likely increase costs for counties, since most or all counties would need to begin providing more feminine hygiene products, in more varieties, to inmates. There may be an additional fee incurred by any county that needs to revise existing service contracts. For any county that currently charges inmates for any of these items, this bill would also decrease that county's revenue.

DOC is not aware of any county jail or house of corrections providing menstrual cups for inmates, and the department does not have data regarding whether those facilities already have the means to sanitize menstrual cups on an as-needed basis. Facilities not already compliant with this requirement would need to purchase and install additional equipment, increasing costs for the respective counties, and would also face operational challenges due to the time-consuming nature of the sanitizing process.

Long-Range Fiscal Implications